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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR				
09/868,215	06/14/2001		ATTORNEY DOCKET NO.	CONFIRMATION NO.		
	06/14/2001	Monika Junghans	WFG/12544	6039		
	90 09/20/2002			3007		
KANKIN, HIL	L, PORTER & CLAI	RK, LLP				
700 HUNTING	ION BUILDING	,	EXAMINER			
925 EUCLID A CLEVELAND,	VENUE, SUITE 700 OH 44115-1405	TAYLOR, JANELL E				
			ART UNIT	PAPER NUMBER		
			1634 DATE MAILED: 09/20/2002	*		
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Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

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Αp	pli	ca	ti	on	No



Applicant(s)

09/868,215

JUNGHANS ET AL.

Examiner

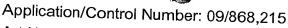
Art Unit

Janell Cleveland Taylor -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO THE MAILING DATE OF THIS COMMUNICATION.	O EXPIRE <u>1</u> MONTH(S) FROM
- Extensions of time may be available and a COMMONICATION.	, , ,

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will exply and will exply a maximum statutory period will exply and will exply and will exply and will exply a maximum statutory period will exply and will

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any - Status
1) Responsive to communication(s) filed on
2a) This action is FINAL . 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.
4)⊠ Claim(s) <u>1-50</u> is/are pending in the application.
4a) Of the above claim(s) is/are withdrawn from consideration.
5) Claim(s) is/are allowed.
6) Claim(s) is/are rejected.
7) Claim(s) is/are objected to.
8) Claim(s) <u>28-50</u> are subject to restriction and/or election requirement. Application Papers
9) The specification is objected to by the Examiner.
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) has belt in the
is: a) approved b) disapproved by the
required in reply to this Office action
12) The path or declaration is objected to by the Examiner.
Priority under 35 U.S.C. §§ 119 and 120
Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
, — who was made of a claim for domestic priority under 35 H.S.C. 88 120 and/or 104
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Interview Summary (PTO-413) Paper No(s). Notice of Informal Patent Application (PTO-152) Statement(s) (PTO-1449) Paper No(s). Page 1 Sector 1 Secto



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DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 28-35, drawn to a synthetic particle consisting of at least one nucleic acid sequence and one protein.

Group II, claim(s) 37-47, drawn to a process of making the synthetic particle.

Group III, claim(s) 48-50, drawn to use of a protein.

- 2. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the synthetic particle of group I is anticipated in the art by Zukermann et al. (WO 98/06437). Zukermann teaches synthetic proteins in the relevant molecular weight range (pages 44, 56, and 57), for the production of complexes with nucleic acids.
- 3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janell Taylor Cleveland whose telephone number is 703-305-0273. The examiner can normally be reached on M-F 9-6.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones can be reached on 703-308-1152. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Janell Taylor Cleveland Examiner Art Unit 1634

September 12, 2002

Supervisory Patent Examiner Technology Center 1600